



**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

September 8, 2008

**VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED**  
**AND FACSIMILE AT 302-361-2200**

MicroVideoX, LLC  
Attn: Greg Marston  
630 Maurine Lane  
Grand Junction, CO 81504

Re: File No. EB-08-SE-034

Dear Mr. Marston:

This is an official **CITATION**, issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended ("Act"), 47 U.S.C. § 503(b)(5), for marketing in the United States unauthorized radio frequency devices in violation of Section 302(b) of the Act, 47 U.S.C. § 302a(b), and Section 2.803 of the Commission's Rules ("Rules"), 47 C.F.R. § 2.803. As explained below, future violations of the Commission's rules in this regard may subject your company to monetary forfeitures.

By letter of inquiry ("LOI") dated June 3, 2008, the Spectrum Enforcement Division of the Commission's Enforcement Bureau ("the Division") initiated an investigation into whether MicroVideoX, LLC, ("MicroVideoX") is marketing in the United States unauthorized radio frequency devices, specifically, the GPS Counter Track, and the GPS Counter Track Portable (also advertised as "GPS Counter Track handheld"). The Division observed advertisements for these two devices on your web site, [www.microvideox.com](http://www.microvideox.com), and by its associated eBay<sup>1</sup> username "microvideox" on January 24, 2008. Both devices were described as being able to jam or block GPS signals. Additionally, on February 22, 2008, the Division observed a promotional digital video on the YouTube.com website by user "MicroVideoX" that demonstrated the GPS Counter Track blocking the GPS satellite signals from reaching a dashboard-mounted GPS navigation device. The video indicated that the GPS Counter Track is available at [MicroVideoX.com](http://MicroVideoX.com). The Division also observed the video on July 11, 2008 on the website [www.revver.com](http://www.revver.com).

In your June 3, 2008 response to the LOI, you admit that MicroVideoX began marketing the GPS Counter Track and GPS Counter Track Handheld on August 7, 2007. You state that you imported a total of 53 GPS Counter Track units and 24 GPS Counter Track Portable units, and sold approximately 48 of the devices. Your response also states that you continued marketing the devices on eBay and YouTube.com until about March 13, 2008. As noted above, however, the Division observed the promotional video still active at [www.revver.com](http://www.revver.com) on July 11, 2008.

Section 302(b) of the Act provides that "[n]o person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with

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<sup>1</sup> [www.ebay.com](http://www.ebay.com).

regulations promulgated pursuant to this section.” Section 2.803(a)(1) of the Commission’s implementing regulations provides that:

no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship, or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless ... [i]n the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled as required by § 2.925 and other relevant sections in this chapter.

Pursuant to Section 15.201(b) of the Rules, 47 C.F.R. § 15.201(b), intentional radiators must be authorized in accordance with the FCC’s certification procedures prior to the initiation of marketing<sup>2</sup> in the U.S. However, it does not appear that devices such as the GPS Counter Track, and the GPS Counter Track Portable, are capable of receiving a grant of certification. The devices operate in frequency bands used for GPS, which are within the restricted frequency bands listed in Section 15.205(a) of the Rules, 47 C.F.R. § 15.205(a). Section 15.205(a) allows intentional radiators to transmit only spurious emissions<sup>3</sup> in the restricted frequency bands. Moreover, the purpose of GPS jammers is to block or interfere with radio communications. Such use is clearly prohibited by Section 333 of the Act, 47 U.S.C. § 333, which states that “[n]o person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this Act or operated by the United States Government.” Thus, a device such as a GPS jammer which operates in restricted frequency bands and intentionally interferes with radio communications is not eligible for certification.<sup>4</sup> Accordingly, it appears that MicroVideoX has violated Section 302(b) of the Act and Section 2.803 of the Rules by marketing in the United States the GPS Counter Track and the GPS Counter Track Portable jammers.

**If, after receipt of this citation, MicroVideoX violates the Communications Act or the Commission’s Rules in any manner described herein, the Commission may impose monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation.**<sup>5</sup>

If you choose to do so, you may respond to this citation within 30 days from the date of this letter either through (1) a personal interview at the Commission’s Field Office nearest to your place of business, or (2) a written statement. Your response should specify the actions that MicroVideoX is taking to ensure that it does not violate the Commission’s rules governing the marketing of unauthorized devices in the future.

The nearest Commission field office is the Denver Office in Lakewood, Colorado. Please call Gabriel Collazo at 202-418-1160 if you wish to schedule a personal interview. You should schedule any interview to take place within 30 days of the date of this letter. You should send any written statement within 30 days of the date of this letter to:

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<sup>2</sup> Section 2.803(e)(4) of the Rules defines “marketing” as the “sale or lease, or offering to sale or lease, including advertising for sale or lease, or importation, shipment or distribution for the purpose of selling or leasing or offering for sale or lease.” 47 C.F.R. § 2.803(e)(4).

<sup>3</sup> 47 C.F.R. § 2.1 defines spurious emissions as “Emission on a frequency or frequencies which are outside the necessary bandwidth and the level of which may be reduced without affecting the corresponding transmission of information. Spurious emissions include harmonic emissions, parasitic emissions, intermodulation products and frequency conversion products, but exclude out-of-band emissions.”

<sup>4</sup> Furthermore, section 2.803(g) of the Rules provides that radio frequency devices that could not be authorized or legally operated under the rules “shall not be operated, advertised, displayed, offered for sale or lease, sold or leased, or otherwise marketed absent a license issued under part 5 of this chapter or a special temporary authorization issued by the Commission.” 47 C.F.R. § 2.803(g).

<sup>5</sup> See 47 C.F.R. § 1.80(b)(3).

Kathryn S. Berthot  
Chief, Spectrum Enforcement Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Rm. 3-C366  
Washington, D.C. 20554

Under the Privacy Act of 1974, 5 U.S.C. § 552(a)(e)(3), we are informing you that the Commission's staff will use all relevant material information before it, including information that you disclose in your interview or written statement, to determine what, if any, enforcement action is required to ensure your compliance with the Communications Act and the Commission's rules.

The knowing and willful making of any false statement, or the concealment of any material fact, in reply to this citation is punishable by fine or imprisonment under 18 U.S.C. § 1001.

Thank you in advance for your anticipated cooperation.

Sincerely,

Kathryn S. Berthot  
Chief, Spectrum Enforcement Division  
Enforcement Bureau